

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

WARNER RECORDS, INC., et al.,

Plaintiffs,

v.

ALTICE USA, INC., et al.,

Defendants.

Case No. 2:23-cv-00576-JRG-RSP

DECLARATION OF PATRICIA WHEELER

1. I, Patricia Wheeler, am currently employed at Altice USA, Inc. (“Altice USA”) in Long Island City, New York, as the Vice President, Legal – Employment, Labor, and Benefits. I have been employed by Altice USA since March 2018. I provide this declaration in support of Defendants’ motion to transfer this case from the Eastern District of Texas to the Eastern District of New York. I have personal knowledge of the facts set forth herein, except where noted, and, if called to testify, could and would competently testify thereto.

2. As the Vice President, Legal – Employment, Labor, and Benefits, I have personal knowledge about the corporate structure, operations, and litigation of Altice USA and its wholly owned subsidiary CSC Holdings (“CSC Holdings” and, collectively with Altice USA, “Altice”).

3. Altice USA is a Delaware corporation with its principal place of business at 1 Ct. Square W, Long Island City, NY 11101.

4. CSC Holdings is a Delaware limited liability company with its principal place of business at 1111 Stewart Ave., Bethpage, NY 11714.

5. In preparation of my declaration, I requested from Altice’s Data and Analytics team information regarding the number and location of Altice’s broadband subscribers. The data I

received reflects that, as of December 2023, Altice provides broadband services to approximately 4,519,954 total (i.e., residential and business) subscribers across 21 states. This data also reflects that approximately 4,169,032 of these are residential subscribers and that 2,619,800 of those residential subscribers, or 63%, are in New York, New Jersey, or Connecticut, areas that generally are part of the broader New York metropolitan region. I also requested data from the Data and Analytics team regarding the location of Altice's New York subscribers. The information that I received, which is dated as of December 2023, is broken down by city and county. Based on my review of this data, Altice has 1,695,829 total subscribers in New York and, of those, 1,050,095 are in the Eastern District of New York. My understanding of the counties that comprise the Eastern District of New York is based on the following website: <https://www.nyed.uscourts.gov/>. This website reflects that the following New York counties are in the Eastern District of New York: Kings, Nassau, Queens, Richmond, and Suffolk. A true and correct copy of the above-referenced website is attached hereto as **Exhibit A**.

6. In preparation of my declaration, I also requested from the Data and Analytics team information regarding the location of Altice's subscribers in Texas. Like the above information regarding New York, this information also is dated as of December 2023, and is broken down by city and county. Based on my review of this data, Altice has 189,271 total subscribers in the counties that comprise the Eastern District of Texas. Of those, 3,439 are in the counties that comprise the Marshall Division. My understanding of the counties that comprise the Eastern District of Texas and its divisions is based on the following website: <https://www.txed.uscourts.gov/court-locator>. A true and correct copy of the above-referenced website is attached hereto as **Exhibit B**.

7. Altice's business, technical, and legal operations are based in its two headquarters, Altice USA's headquarters in Long Island City, NY, which is in Queens County, and CSC Holding's headquarters in Bethpage, NY, which is in Nassau County, or in nearby work facilities that also are in Nassau County. Specifically, virtually all of Altice's key executive, management, and operations-level personnel in customer care, products, marketing, network engineering, data, finance, and legal are located in these facilities. Further, the Shared Services team that deals with complaints of alleged copyright infringement and certain of Altice's actions in response is based in an Altice facility in Jericho, NY, which also is Nassau County. In preparation of my declaration, I also requested from Human Resources a report regarding the number of Altice employees in New York. As of December 31, 2023, Altice employed approximately 3,890 people in New York.

8. Within the divisions and groups that I describe above are the following individuals who are the leads and/or are responsible for aspects of Altice's processes for responding to notices of alleged infringement and related issues: (1) William Heberer, SVP Legal, Altice USA, Long Island City, NY; (2) Michael Davis, Manager, HSD Security, Altice USA, Hicksville, NY; (3) Danny Holton, SVP, Business Engagement and Technology Strategy, Altice USA, Long Island City, NY; (4) Christine Cummings, VP, Acquisition and Base Management, Altice USA, Long Island City, NY; (5) David Kniffin, SVP Planning and Control, Altice USA, Bethpage, NY; (6) Shuvankar Roy, EVP Chief Customer Experience Officer, Altice USA, Long Island City, NY; (7) Ahmed Fayed, Director, Corporate Customer Relations and Shared Services, Altice USA, Bethpage, NY; (8) Audrey Pinn, Director, Product Growth & Value Added Services, Altice USA, Long Island City, NY; (9) Beth Rosenfeld, Senior Director, Executive Customer Relations, Altice USA, Bethpage, NY; and (10) Joe Foster, Director, Network Engineering, Altice USA, Bethpage, NY.

9. It is my understanding that the following individuals are former Altice employees who were responsible for aspects of Altice's processes for responding to notices of alleged infringement and related issues: (1) Robert Egan, former Manager, Intelligence & Investigations/HS Data Security, Altice USA, Hicksville, NY; (2) Marian O'Hagan, former Director of Customer Care, Bethpage, NY; (3) Nodir Nazarov, former SVP Network Engineering, Altice USA, Bethpage, NY.

10. It is also my understanding that the following individuals are former Altice employees who left Altice in 2024: (1) Keith Agabob, (2) Dan Drysdale, and (3) Nodir Nazarov. Mr. Agabob and Mr. Nazarov ended their employment on January 1, 2024 and Mr. Drysdale ended his employment on January 5, 2024.

11. Given the location of Altice's divisions and personnel, Altice's relevant documents largely are created and/or handled by individuals in these facilities.

12. In preparation of my declaration, I gathered information regarding the manner in which Altice's documents are currently stored and accessed. Since mid-2021, these documents have been stored with Google's SQL and Big Query cloud services and, accordingly, are accessible from Altice's offices. The Google SQL servers are in Berkeley County, South Carolina, whereas the Google Big Query servers are dynamic and, therefore, no specific location is ascertainable. George Ziegler, Altice USA's VP, Data Warehouse Development, is the "Data Warehouse" lead and, in that role, is the subject matter expert on the accessibility of documents, data, and other information from the cloud or other sources. Mr. Ziegler works out of Altice's office in Bethpage, NY, which is in Nassau County. I also understand that, prior to mid-2021, Altice's documents were stored on servers in its New York facilities, including Bethpage, NY and Hicksville, NY,

both within Nassau County. I understand that certain documents still are only stored on those servers, including the documents from Altice's Knowledge Database.

13. In preparation of my declaration, I also requested from Human Resources a report of the number and location of Altice employees across the country. Based on my review of the report, I identified that Altice has employees who work at facilities of various sizes and types in 30 states, including New York. In Texas, Altice has facilities in Plano and Tyler, where the vast majority of the employees in those facilities work in non-senior management-level positions in sales and customer support, and none of the employees in those facilities are responsible for handling complaints of copyright infringement.

14. Altice also has retail stores around the country, including in Texas. In these locations, Altice provides customer support and sells products and services. The employees who work at these stores are not involved with the processing of complaints of copyright infringement. Altice's retail stores are managed at the corporate level from Altice USA's headquarters in Long Island City, New York and work facilities in Bethpage, NY.

15. Like most large ISPs, Altice also has many subsidiaries, which serve different purposes in connection with its various products, services, and partnerships. Attached hereto as **Exhibit C** is a true and correct copy of excerpts of Altice USA's Form 10-K for the fiscal year ending December 31, 2022, which was filed on or around February 23, 2023. Altice USA's Form 10-K, Exhibit 21 lists 174 subsidiaries of Altice USA. Three of these subsidiaries are identified as being incorporated in Texas: Friendship Cable of Arkansas, Inc., Friendship Cable of Texas, Inc., and TCA Communications, LLC. These entities do not have any involvement in the processing of copyright notices or other issues that I understand would be relevant in this case. Attached hereto as **Exhibit D** is a true and correct copy of results from the Texas Secretary of State, Business

Organizations Inquiry, which shows that each of these entities is headquartered at 1 Ct. Square W, Long Island City, NY 11101, which is the same location as Altice USA's headquarters.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on January 29, 2024



Patricia Wheeler